

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

M&S ADVISORY GROUP, INC.	:	Case No. C-1-02-522
Plaintiff,	:	
v.	:	<u>NOTICE OF DEPOSITION</u>
	:	<u>OF DEFENDANT</u>
EYEMART EXPRESS, LTD.,	:	
Defendant.	:	Judge Spiegel
	:	Magistrate Judge Hogan

PLEASE TAKE NOTICE that the Plaintiff M&S Advisory Group, Inc., will take the deposition of Defendant EyeMart Express, Ltd. pursuant to Rule 30(B)(5) of the Federal Rules of Civil Procedure beginning at 1:30 p.m. on Wednesday January 21, 2004 at the offices of Cantey & Hanger, L.L.P., 1999 Bryan Street, Suite 3330, Dallas, Texas 75201 and continuing day to day until completed.

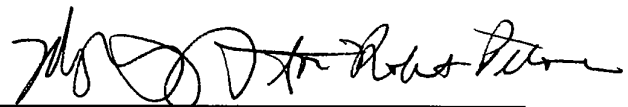
The corporation's representative will be examined on the following matters:

1. The damages alleged by Defendant in its counterclaim against Defendant.
2. The details of the Construction, Upgrades and Addition costs alleged as damages suffered by Defendant in response to Interrogatory 1 of Plaintiff's Third Set of Interrogatories including, but not limited to, how the amounts claimed were calculated and compiled, the time frames during which the construction took place, the decision to proceed with the expansion, any consideration of other alternatives, the use of the upgrades and additions to date and any attempts to mitigate these damages.
3. The details of the Compensation to Additional Personnel alleged as damages suffered by Defendant in response to Interrogatory 1 of Plaintiff's Third Set of Interrogatories including, but not limited to, how the amounts claimed were calculated

and compiled, what personnel is included, when those persons were hired, what compensation they received, what work they did, whether they remain employed and what they are doing at this time and any attempts to mitigate these damages.

4. The details of the Travel and Related Expenses alleged as damages suffered by Defendant in response to Interrogatory 1 of Plaintiff's Third Set of Interrogatories including, but not limited to, how the amounts claimed were calculated and compiled, what travel expenses were included, what, if any, setoffs were applied and any attempts to mitigate these damages.

5. The details of the Employee Time on Real Estate alleged as damages suffered by Defendant in response to Interrogatory 1 of Plaintiff's Third Set of Interrogatories including, but not limited to, how the amounts claimed were calculated and compiled, what employee time was included and the basis for including it, what setoffs, if any, were applied, what employees were considered, what time was spent and how it was tracked and any attempts to mitigate these damages.




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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Notice of Deposition was served upon Michael W. Hawkins and Jon B. Allison, Trial Attorneys for Defendant, Dinsmore & Shohl, 255 E. Fifth Street, Suite 1900, Cincinnati, Ohio 45202 via hand delivery this 14th day of January 2004.


Wijdan Jreisat

KTBH:581447.1